

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE McDERMOTT,)	No. C05-0860L
)	
Plaintiff,)	
v.)	
UNITED STATES POSTAL SERVICE,)	ORDER DENYING DEFENDANT’S
)	MOTION TO SEAL
Defendants.)	

This matter comes before the Court on the “United States’ Motion to Seal Case or Motion for Protective Order.” Plaintiff alleges that the United States Postal Service has violated security rules and regulations and has submitted hundreds of pages of policy manuals, letters, newsletters, union documents, etc. in support of his claims. Without identifying any particular document or information, defendant has moved to seal the entire record because “[t]he subject matter [p]laintiff has raised in his pleadings is sensitive.” Motion at 1.

Pursuant to Local Civil Rule 5(g)(1), “[t]here is a strong presumption of public access to the court’s files and records which may be overcome only on a compelling showing that the public’s right of access is outweighed by the interests of the public and the parties in protecting files, records, or documents from public view.” Defendant’s motion is based on the argument that allegations and documents regarding security problems at a federal facility place the facility in danger and must be sealed. Although plaintiff’s claims involve security-related

1 issues, many of them touch on security in only the most tangential way. For example, it would
2 be hard to imagine how his allegations regarding failures to follow appropriate channels of
3 communication, improper use of security rules to violate the collective bargaining agreement,
4 excessive charges for access cards, etc., could make federal employees less safe in the
5 workplace. Although some of the documents attached to plaintiff's complaint and/or his motion
6 for protective order may contain non-public information regarding defendant's security plan and
7 procedures, defendant has not identified them and the Court is left to guess whether the
8 information in a particular policy statement or operational guide is so sensitive that it justifies a
9 seal and overcomes the strong presumption in favor of public access. In addition, defendant has
10 made no effort to support its requested relief, namely a seal of the entire record: there are a
11 number of procedural documents and motion papers filed herein that neither mention security
12 issues nor disclose "sensitive" information.

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14 For all of the foregoing reasons, defendant's motion to seal is DENIED without
15 prejudice to defendant's ability to file a similar motion identifying the specific documents it
16 believes warrant a seal under Local Civil Rule 5(g).

17 DATED this 10th day of January, 2006.

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20 Robert S. Lasnik
21 United States District Judge
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